

The Hon. James P. Donohue
Chief Magistrate Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CASE NO. 2:17-CV-00218-RSM-JPD

Daniel Ramirez Medina,

Petitioner,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY; JOHN KELLY, Secretary of
Homeland Security; NATHALIE ASHER,
Director of the Seattle Field Office of U.S.
Immigration and Customs Enforcement,

Respondents.

**DECLARATION OF ETHAN D.
DETTMER IN SUPPORT OF
PETITIONER'S RESPONSE BRIEF RE:
COURT'S FEBRUARY 14, 2017, ORDER
DIRECTING SERVICE, SETTING
STATUS CONFERENCE, AND
SETTING BRIEFING SCHEDULE**

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1 I, Ethan D. Dettmer, declare as follows:

- 2 1. I am an attorney admitted to practice law *pro hac vice* before this Court. I am a partner at the
3 law firm of Gibson, Dunn & Crutcher LLP, and I am one of the attorneys representing Daniel
4 Ramirez Medina (“Mr. Ramirez”) in this case. I submit this declaration in support of Mr.
5 Ramirez’s Response to the Respondent’s Brief re: Court’s February 14, 2017, Order Directing
6 Service, Setting Status Conference, and Setting Briefing Schedule. The following facts are
7 within my personal knowledge and, if called and sworn as a witness, I would testify
8 competently to these facts.
- 9 2. At about 9:30 in the morning on Monday, February 13, 2017, my colleague Mark Rosenbaum
10 and I called Priscilla Chan, an Assistant United States Attorney in Seattle. We left Ms. Chan
11 a voice mail message informing her about the Petition for Writ of Habeas Corpus we had just
12 filed, and requesting that she return our call.
- 13 3. At approximately 4:00 p.m. that same day, Ms. Chan returned the phone message. Mr.
14 Rosenbaum and I told her that we had filed the case, explained the background to her and our
15 expectation that Mr. Ramirez’s detention was likely a mistake. We asked that he be released
16 from detention promptly. Mr. Rosenbaum and I explained that Mr. Ramirez is a DACA
17 holder, should not have been detained in the first place, and should be released right away.
18 Ms. Chan indicated that she had not yet seen the petition, so we offered to email it to her, and
19 did so shortly thereafter. We agreed with Ms. Chan that we would speak further at 1:30 p.m.
20 the next day.
- 21 4. At about 11:46 a.m. on Tuesday, February 14, 2017, we received an email from Ms. Chan
22 informing us that the case had been “assigned to the DOJ’s Office of Immigration Litigation
23 (‘OIL’) in D.C.” She indicated that she would send us the contact information for the specific
24 lawyer when that person was identified.
- 25 5. Shortly before 5 p.m. on the same day, we were contacted by Jeffrey Robins, Assistant
26 Director of OIL in Washington, D.C., telling us that he would be the lawyer responsible for
27 this matter for the government. We spoke with Mr. Robins at approximately 5:45 that
28 evening, and explained to him that Mr. Ramirez is a DACA holder, that we expected his

1 detention was just a mistake, and that he should be released. Mr. Robins responded by saying
 2 that he would not be released, and that it is the government's position that Mr. Ramirez is
 3 affiliated with a gang, and that the government had begun removal proceedings.

4 6. Mr. Rosenbaum and I asked Mr. Robins what evidence he had that Mr. Ramirez was
 5 affiliated with a gang. Mr. Robins said that he understood that Mr. Ramirez has a tattoo. We
 6 asked what evidence Mr. Robins had that Mr. Ramirez's tattoo had anything to do with gangs,
 7 and Mr. Robins said that he had none. Though he was asked to provide it, Mr. Robins had no
 8 other evidence in support of the claim that Mr. Ramirez was "affiliated" with a gang or was
 9 ever in a gang.

10 7. Mr. Robins also said during our call that Mr. Ramirez had received a "Notice to Appear"
 11 while in detention. We told him that we had not seen that document and, to our knowledge, it
 12 had not been served on Mr. Ramirez.

13 8. Mr. Rosenbaum and I concluded our call with Mr. Robins by asking that he please inform us
 14 of any evidence other than the alleged confession and the alleged gang tattoo that DHS has or
 15 develops in support of the conclusion that Mr. Ramirez is a gang member or has any gang
 16 affiliation.

17
 18 I declare under penalty of perjury under the laws of the United States and the State of
 19 Washington that the foregoing is true and correct, and that I executed this Declaration on February
 20 16, 2017 in San Francisco, California.

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 22 /s/ *Ethan D. Dettmer*
 23 Ethan D. Dettmer
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